

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.24915 of 2004

Dated 10-07-2007

Between:

M/s PSR Green Power Project (P) Limited,

...Petitioner

And

The Andhra Pradesh Electricity Regulatory Commission,
and others

...Respondents

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.24915 of 2004

ORDER:

The petitioner challenges the order dated 20-03-2004, passed
by the Andhra Pradesh Electricity Regulatory Commission, the

1st respondent herein, which *inter alia* fixed the tariff on par with Bio-mass based Power Projects. Petitioner complains that the impugned order, to the extent indicated above, is illegal, arbitrary and erroneous, apart from being violative of Articles 14 and 19 (1)(g) of the Constitution of India.

Heard the learned counsel for the petitioner and learned counsel for the respondents.

The petitioner had urged several contentions, in its challenge to the impugned order. However, this Court does not feel the necessity to delve into the same, on account of the fact that the petitioner had an effective alternative remedy, by way of an appeal, under Section 111 of the Indian Electricity Act, 2003

(for short 'the Act'), before the Appellate Tribunal, constituted under Section 110 thereof. In fact, in identical matters, this Court dismissed the writ petitions, leaving it open to the parties to work out their remedies in accordance with law.

Hence, the writ petition is disposed of, leaving it open to the petitioner to avail the remedy of appeal, under Section 111 of the Act. Since the writ petition was pending before this Court, it is directed that, in case the appeal is presented within one week from today, it shall be treated as having been filed within the period of limitation. The interim order, passed by this Court on 31-12-2004, shall remain in force, for a period of four weeks.

There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.10-07-2007.

Note:

c.c. in three days

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